REMARKS

I.   Status of the Application

Claims 9-28 are pending in this application. In the October 29, 2007 Office action, the Examiner rejected claims 9-28 under 35 U.S.C. § 103(a) as allegedly being anticipated by U.S. Patent no. 6,292,492 B1 to Bonomi et al. "Bonomi" in view of U.S. Patent no. 5,636,345 to Valdevit et al "Valdevit". The Examiner has also rejected claims 27-28 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this response, Applicant has amended claims 27 and 28. As set forth below, Applicant respectfully traverses the Examiner's rejection of claims 9-28.

II.   The rejection under 35 U.S.C. 112 should be withdrawn

In the October 29, 2007 Office action, the Examiner rejected claims 27-28 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner has objected to claims 27 and 28, on the basis of the phrase "a second predetermined level". Claims 27-28 are to be amended to refer to "a predetermined level". As such, Applicant respectfully submit that claims 27-28 are now in compliance with 35 U.S.C. 112, second paragraph.

III.   The Rejections Under 35 U.S.C. § 103(a) Should Be Withdrawn

In the October 29, 2007 Office action, the Examiner rejected claims 9-28 under 35 U.S.C. § 103(a) as allegedly being obvious and unpatentable over Bonomi in view of Valdevit. Applicant respectfully traverse the examiner's rejection of claims

9-28 under 35 U.S.C. § 103(a), as the examiner has not made a *prima facie* case of

obviousness as described in MPEP § 2142 - 2143.

Claim 9 requires inter alia:

a broadcast packet control unit ... which ... performs a broadcast storm control
operation ... based on the obtained measure of the frequency of arrival of broadcast
packets [obtained from length of at least one of the queues].

Claim 17 requires inter alia:

triggering a broadcast storm control mode ... according to the measure of the
frequency of arrival of broadcast packets [obtained from the length of at least one of
the queues] .

Claim 25 requires inter alia:

deleting at least some of the broadcast packets based upon the measure of the
frequency of arrival of broadcast packets [obtained from the length of a longest of
the at least one queues].

Bonomi refers to "multicast cells" which, according to Bonomi, are cells

which are transmitted to more than one of the egress ports. Broadcast packets are

only one form of multi-cast packets, and not a form which is referred to explicitly

anywhere in Bonomi.

Bonomi discloses a system which controls the memory device for storing cells

before they are transmitted, so as to allocate memory efficiently between a number of

queues. In particular, the amount of space which is reserved for each one of the

queues is varied based on a calculation of how much space that queue requires. Each

queue i is associated with a parameter max_i, which is varied dynamically according to

the amount of memory associated with the respective queue. Unicast and the

multicast signals alike are rejected according to whether storage of them would

require more memory than max_t (see column 10, lines 43-45, and column 17, lines 57-58). Thus, there is no indication in the citation that selective deletion specifically of broadcast packets is carried out.

Bonomi discloses a common memory shared by all ports. Thus Bonomi cannot operate where there is no common memory. The present invention in contrast uses "broadcast storm control" (BSC) based on queue length, which could for example be in response to slowness of the scheduler block for systems with or without common memory.

Bonomi discloses a feedback path from the egress port to the ingress port, and the multicast signals are rejected by a memory manager which bases it's decision on feedback from several egress ports. Thus Bonomi does not disclose BSC automatically where the ingress queue starts increasing in size.

In other words, Bonomi does not measure the frequency of arrival of broadcast packets. Further, broadcast storm control is not disclosed nor anything similar that depends on a queue length as a measure frequency of arrival of the broadcast packets.

Similarly, Valdevit does not disclose the features of claims 9, 17 or 25. Valdevit does not disclose the features lacking in Bonomi. Valdevit is not validly combined with Bonomi. Specifically, Valdevit does not teach broadcast storm control based on a queue length as a measure of frequency of arrival of the broadcast packets. BSC is turned on or off using counters or timers which is clearly incompatible with Bonimi (thereby negating any expectation of success) and is irrelevant to the invention in claims 9, 17 or 25.

Applicant submits that claims 9 to 28 are patentable over the art cited.

IV.   Conclusion

For all of the foregoing reasons, it is respectfully submitted that applicant have made a patentable contribution to the art. Favorable reconsideration and allowance of this application, including claims 9-28, is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,
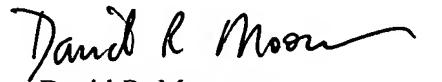
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